784 Ainu traditions about these.[56] To the Ainu the injunctions and traditions handed down from their ancestors were not to be violated and the chief of the village saw to it that they were maintained. Violations were punished in a manner that it was believed would appease the fury of God since it was held that the culprit already was undergoing a spiritual punishment. Those records which have been left concerning the punitive measures of the Ainu are limited to those which lay in the actual power of society to mete out and they do not bear on the important concept of punishment by God (for they believed that the violators of God's taboos were sufficiently punished by God himself and society did not interfere with this divine judgment but remedied only that which concerned itself). But as time passed the power of the taboo receded and the Ainu, in order to regulate their increasingly complex society adopted the same punishments for culprits that the Japanese practiced.

674 [192] 627 [696] The word "crime" in the Ainu language is either *Katopaku* ["to commit an offense which ought to be punished"] or *Uenburi* ["bad conduct"] and it seems that there existed no difference between a violation of the village law and a violation of religious morals. Therefore, penalty was imposed equally on all violations. Judgment of crime was sometimes made by mysterious means. There was the method of consulting the oracular wisdom of the maiden of a shrine[57] who was called *Tsusuguru* [a prophetress]. Judgments similar to the ancient Japanese *Kugatachi* wherein the accused takes a stone from boiling water with his bare hands were used and there was the judgment whereby bamboo grass was laid across the palm of the hand of the accused and atop the grass a red-hot stone or iron was placed. In the latter two methods any injury sustained by the accused was evidence of his guilt. The above were all practices in which it was considered that the judgment of God was being rendered. Torture was also used. The accused could be forced to down with one breath a large bowl of water. There was the tobacco torture which was chiefly used by women; there was the *Nitemere* [to stretch the arms] in which the accused was left with both arms outstretched and tied to a post; there was a combination of torture and religious ritual wherein the accused first drained a cup of water then the empty cup was placed atop his head. If he neither fell down nor the cup fell off his head he was set free.[58]

695 [787] 683 Quarrels between two parties were resolved by debate. This was called *Charanke* [to argue] and if the winner could not be determined the debate continued furiously until one of the two collapsed. It has been said that, "If neither of the parties submitted to the

[56] Itō Yūichi, Hokubo minzoku no horitsu shisō oyobi kanshu (Customs and concepts of law in the North), *Shihō Kenkyū*, 17th ed., 26 ff.
[57] John Batchelor, *The Ainu and their folklore*, 284.
[58] *Ibid.*, 242-243.

[P.20(A)]

I:Takakura H-4, 5 (no date) 1960 AB6 Ainu AB6
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written in 1798, official guards were stationed in each *Basho* in east Ezo from Washiki to Mitsuishi. According to their written instructions the duties of these guards were:

1. The rescue of wrecked and drifting ships and the regulation of foreign vessels.
2. To have jurisdiction over those Ezo who violated regulations.
3. To caution the managers and watchmen against unfair treatment of the Ezo and to see that "*Kaihō*" was not neglected.
4. To attempt to increase the production of "light goods." [80]

In general, it seems that they had much the same duties as the *Uwanoriyaku*. The regulations that the Ezo were supposed to observe can be seen in an example taken from the Akkeshi district.[81]

Regulations for the Ezo. Whether it be a vessel with the mark of the sun or a vessel of some other country if it is drifting or has drifted ashore friendly aid should be given and the incident reported to the *Uwanoriyaku*.

The Ezo are also advised to live in peace with one another and to work hard to increase the output of goods. This has been conveyed to the Ezo at the time of *Omusha*.

This was the entire scope of regulation for "there is no regulation providing penalty when an Ezo kills his fellow or when he steals the property of another. Since there are no such instructions from the Matsumae or the guards there are no rules upon which to act." Thus crime among the Ezo was left for the Ezo themselves to settle. The Ezo leaders were encouraged to pay visits to the clan lord and in a letter dated June

[80] "Written Instructions for the Guards in Ezo." (Matsumae Fukuyama Shōokite) (1) Vessels flying flags with the mark of the sun as well as any other vessel found drifting should be towed into safety with the help of the Ezo. In case of a wreck all goods aboard, including ship's equipment should be carefully salvaged and handed over to the captain of the ship. The captain's name and place of birth should be reported to the castle. If the vessel is a foreign one, exercise extreme care and confiscate such goods as are contraband while, at the same time, dispatch a messenger with full details to the castle. In the event of emergency report immediately by prearranged signal fire. (2) Since an Ezo revolt occurred only last year the Ezo should be watched with extra care. Watchmen and traders in each *Basho* are to be cautioned against unreasonable conduct and also against lying. Separate notice is given in regard to *Kaihō* areas under the direct management of the Matsumae but managers, interpreters, and watchmen are to be particularly instructed not to neglect *Kaihō*. Any report of Ezo violation of the law is to be investigated immediately and the case taken under control. (3) Light goods are to be prepared for trade as usual but the Ezo are to be encouraged to increase their output. Furthermore, when an Ezo from another part of the island brings light goods with him, they should be handled by the manager and not sold to the other Ezo. Ezo leaders are to be informed of this. (4) Transactions by guards are to wait until the trade ships have loaded all their freight without mistake and have set sail. These instructions are to be followed scrupulously. Should a problem arise too difficult to settle, then instructions should be sent for.

[81] *Kimura Shikyō Hikki*.

4: Landor T-5 (ca. 1890) 1893 AB6 Ainu AB6

brains in bettering their miserable condition and filthy mode of living. They would have striven to make the beginnings of a history and a literature, or at least to have devised or adopted some mode of writing with which they could preserve these high ideas, and pass them on from generation to generation. Even their language is so poor in words as to hardly express their everyday wants. The Ainu are low in the scale of humanity. They have always been low; they have not sunk, for they have never risen. They have never done any harm in this world, and they will never do any good.

The Ainu are without laws, which, paradoxical as it sounds, to a great extent makes them good. People are never so good as when no harm can be done. There are indeed few crimes among them; no voluntary infanticides; very very rarely murders; no suicides; little theft, and as little treachery among people of the same tribe. Though usually retiring and reserved, they are hospitable on special occasions, and generous with what little they possess. The young show an instinctive reverence for the aged, without considering it a virtue or a duty. Cowardice is despised by the Ainu, but courage, endurance of pain, and hardship, drunkenness, and similar qualities, are looked on as the chief virtues in men. Punishments are seldom inflicted by Ainu on any of their tribesmen, and the crime must indeed be great to raise the whole community against the criminal. If by rare chance some great evil has been done, the chief of the village and all the men assemble, and decide on the punishment to be inflicted. Flogging is the general punishment for the lesser crimes, which, according to Ainu ideas, are theft and assault. The murder of a tribesman is sometimes punished by cutting the tendons of the hands and feet of the murderer, thus disabling him from hunting or fishing. If, however, the man murdered was of another tribe, or a Japanese, this Draconian kind of justice is not administered. Quarrels among tribesmen are settled by private retribution, and no one interferes either one way or the other. These quarrels, however, very seldom occur, as the Ainu are naturally a peaceful people. Imprisonment does not exist, for the simple reason that the Ainu have no prisons. They do not know what a prison is; neither is capital punishment practised by them. According to their own ideas they are not cruel to children, for we

7:Munro & Seligman D. E-4. 5 (ca. 1900-1942) 1963
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DEATH AND BURIAL

774 There is a distinction between *ramat*, which as we have seen is
775 spirit or spirit power, and *tukap*, ghost; at least, most of the elders of my acquaintance deny that they are the same. *Tukap* (literally 'double-skin') is an appearance which may be caused by the *ramat*[1] of the person concerned, but is usually put down to *turenbe*, the two kinds of influence, good and bad, responsible for human behaviour. The good influence accompanies the personal *ramat* to the place of the ancestors, so that the ghost nearly always comes from the bad influence. A ghost is very rarely seen by anyone when awake, but may appear in a dream either to convey a message from a departed spirit or to bring some intimation from Kamui Fuchi or another important *kamui*. The *ramat* of the sleeper may then go forth and undergo strange experiences. When it returns the sleeper
[828] wakes; if it fails to return he dies. It is therefore dangerous to arouse a sleeper suddenly; he dies if his soul is not at hand.

775 When an Ainu was killed by another or committed suicide, his
● 674 soul was supposed to harbour a grievance, and this might be manifested in the appearance of a ghost, in a 'bad dream', or more often
762 in spirit possession (*rai kamui shikare*). Paralysis and rheumatism
828 were generally attributed to a cantankerous dead person. Smallpox,
787 the most dreaded of plagues, though chiefly inflicted by Pakoro
753 Kamui, was, as we have seen, also thought to be due to the action of lost souls, tragically compelled to accompany the spirit which had destroyed their bodies.

776 On the other hand evil spirits might attach themselves to the dead body, to its soul, or to the evil influence, and work mischief.
775 A sign said to be specially ominous is the erection of the penis
[826] after death. In the case of a young man who was found drowned
[766] the condition is said to have persisted for two days after death.
[783] In such a case the body was purified, and the trusty *shutu inau kamui*, made of elder, requisitioned to ward off further attacks.
766 Formerly the body of an Ainu dying by accident was buried near the place where it was found. A tent of matting was made on the spot, but the funeral service was performed in the house.

000 The following is a description of funeral customs and rites

[1] According to some Ainu, human souls become either *ramat* or *tukap*. The soul of a good-tempered man becomes *ramat* and goes to the other world, while that of an ill-tempered man becomes a *tukap* and haunts this world, harming the living. According to another opinion, however, these supernatural beings are to be distinguished from human souls (Chiri, *Classificatory Dictionary of the Ainu Language*, Vol. 3, p. 686).—H.W.